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CITY OF HENDERSON

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEVIN LAPEER and LAUREN LAPEER,

Plaintiffs,

v.

CITY OF HENDERSON, HECTOR VILLA,
DOE Defendants 1 through 20, and ROE
Defendants 1 through 10,

Defendants.

Case No. 2:24-cv-00332-GMN-EJY

**STIPULATION AND [PROPOSED]
ORDER TO REMAND TO STATE
COURT AND TO EXTEND TIME TO
RESPOND TO FIRST AMENDED
COMPLAINT**

[FIRST REQUEST]

Defendants, the City of Henderson and Hector Villa, and Plaintiffs, Kevin Lapeer and Lauren Lapeer, through their counsel, hereby agree and stipulate to remand this case to Eighth Judicial District Court, Clark County, Nevada. To that end, the parties stipulate and agree as follows:

1. On December 6, 2023, Plaintiffs Kevin and Lauren LaPeer filed their Complaint in the Eighth Judicial District Court for Clark County, Nevada, asserting six causes of action against the City of Henderson, Henderson Police Department, Thedrick Andres, and Anthony Branchini (collectively the “City Defendants”), and Officer Hector Villa.

1 2. The LaPeers' fifth claim sought relief against the City Defendants under 42 U.S.C.
2 § 1983.

3 3. On February 16, 2024, the City of Henderson removed the case to this Court under
4 28 U.S.C. § 1331, based on the LaPeers' § 1983 claim, which arose under the laws of the United
5 States.

6 4. The City Defendants moved to dismiss the LaPeers' § 1983 claim on February 23,
7 2024 (ECF No. 8).

8 5. On August 1, 2024, the Court dismissed the LaPeers' § 1983 claim with leave to
9 amend (ECF No. 40).

10 6. On August 22, 2024, the LaPeers filed their First Amended Complaint (ECF No.
11 44).

12 7. The LaPeers did not re-allege their § 1983 claim in the First Amended Complaint
13 (*see generally* ECF No. 44). Nor did the LaPeers allege any other claim arising under the
14 Constitution, treaties, or laws of the United States. *See* 28 U.S.C. § 1331. Thus, there remains no
15 basis for federal-question jurisdiction in this Court.

16 8. Neither is there a basis for subject matter jurisdiction under 28 U.S.C. § 1332(a) at
17 this time, as the parties are not citizens of different states.

18 9. Accordingly, the parties stipulate and agree that remand is appropriate and consent
19 to this Court's order remanding the case to the Eighth Judicial District Court for Clark County,
20 Nevada.

21 In order to efficiently facilitate the proceedings in this case pending remand to the Eighth
22 Judicial District Court, the parties further stipulate and agree as follows:

23 10. Should the Court grant the parties' stipulation to remand and remand this case to the
24 Eighth Judicial District Court, the deadline for all Defendants to respond to Plaintiffs' First
25 Amended Complaint shall be extended up to and including twenty-one days from the date that a
26 notice of entry of this Court's order remanding the action is filed in the Eighth Judicial District
27 Court.

28 11. Should the Court deny the parties' stipulation to remand this case to the Eighth

Judicial District Court and thereby retain subject matter jurisdiction, the deadline for all Defendants to respond to Plaintiffs' First Amended Complaint shall be extended up to and including twenty-one days from the entry of such order.

12. This is the first request for an extension of time for Defendants to respond to Plaintiffs' First Amended Complaint and is requested in good faith and not for purposes of delay.

Dated: September 4, 2024

Dated: September 4, 2024

SGRO & ROGER

LITTLER MENDELSON, P.C.

By: /s/ Alanna Bondy

By: /s/ Andrew S. Clark

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Attorneys for Plaintiffs

Attorneys for Defendant

KEVIN LAPEER and LAUREN LAPEER

CITY OF HENDERSON

Dated: September 4, 2024

WILSON ELSEER

By: /s/ Sheri Thome

Sheri Thome, Esq.

Attorneys for Defendant

HECTOR VILLA

ORDER

IT IS FURTHER ORDERED, that both ECF No. 47 Stip for an Extension of Time and ECF No. 45 Mtn to Remand. are DENIED as moot.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: September 4, 2024

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